

567-07/MEU  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LOUIS DREYFUS CORPORATION,

**07 CV 6622 (WHP)**

Plaintiff,

- against -

**DEFENDANT'S  
LOCAL RULE  
56.1 STATEMENT**

M/V CMA CGM CORTES, her engines,  
Boilers, tackle, etc., ALPHA SHIP MANAGEMENT  
GMBH & Co., KG, ALPHA SHIP GMBH & CO,  
KG MS'NEPTUN', COMPANIA SUD AMERICANA  
DE VAPORES S.A. (C.S.A.V.)

Defendants.  
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Defendant ALPHA SHIP GMBH & CO, KG MS' NEPTUN' (hereinafter "ALPHA"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, submits the following statement of material facts to which it contends there exists no genuine issue of material fact to be tried:

1. This is an action by Plaintiff LOUIS DREYFUS CORPORATION to recover for a loss associated with a non-delivery of a certain cargo of bagged coffee which was carried in container No. FSCU 3411832 and which was to be shipped from Santa Ana, El Salvador to Antwerp, Belgium. (Plaintiff's Complaint ¶4, Schedule A;

Declaration of Garth S. Wolfson dated April 11, 2008 ("Wolfson Decl.") ¶¶3-4, Ex. D: Unsigned Bill of Lading).

2. The shipment in question was intended to be carried pursuant to the terms and conditions of Compania Sud Americana de Vapores S.A. ("CSAV") bill of lading No. 6HA001847. (Plaintiff's Complaint at ¶4, Schedule A; Wolfson Decl. ¶¶3-4, Ex. D: Unsigned Bill of Lading).

3. Pursuant to the CSAV bill of lading, the container was to be transported over land from Santa Ana, El Salvador to Santo Tomas de Castilla, Guatemala, where the container was to be loaded aboard the M/V CMA CGM CORTES for shipment to Antwerp, Belgium. (Plaintiff's Complaint ¶4, Schedule A; Wolfson Decl. ¶¶3-4).

4. Defendant CSAV contracted with Terminales Maritimas del Pacifico, a trucking company, to perform the overland leg of the carriage from Santa Ana, El Salvador to the port of Santo Tomas de Castilla, Guatemala. (Wolfson Decl. ¶¶3-4).

5. On April 1, 2007, while enroute from Santa Ana, El Salvador to the load port of Santo Tomas de Castilla, Guatemala, the truck hauling container No. FSCU 3411832 was hijacked and stolen by armed bandits at approximately km 243 of the Atlantic Route Highway. (Wolfson Decl. ¶4, Ex. D: Translations of Police Reports).

6. A police report was filed by the truck driver on April 2, 2007. (Wolfson Decl. ¶4, Ex. D: Translations of Police Reports).

7. On April 3, 2007 the cab, empty container and chassis were found abandoned at approximately kilometer 26 of the Atlantic Route Highway. (Wolfson Decl. ¶4, Ex. D: Translations of Police Reports).

8. At no time relevant hereto did Defendant ALPHA issue its own bill of lading or authorize the issuance of a bill of lading for container No. FSCU 3411832. (Wolfson Decl. ¶3).

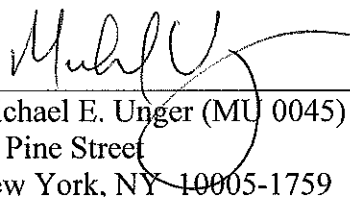
9. At no time relevant hereto was container No. FSCU 3411832 in the possession of ALPHA, its agents, employees or servants. (Wolfson Decl. ¶¶3-4).

10. At no time relevant hereto was container No. FSCU 3411832 ever loaded aboard the M/V CMA CGM CORTES. (Wolfson Decl. ¶¶3-4, Ex. D: Translations of Police Reports).

Dated: New York, New York  
April 11, 2008

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By:

  
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